

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

The Abstract of the Disclosure has been amended to correct the minor informality pointed out at the top of page two of the Official Action. In addition, the specification has been amended at several places to change the term "amateur" to --armature-- to correct a minor typographical error. No new matter has been introduced.

Claims 1 and 2 have been amended to improve the somewhat awkward wording in the original claim language and thereby address the points raised in the top half of page two of the Official Action. Thus, Claim 1 now recites that the clutch is shiftable between an energization state in which the clutch transmits the driving force of the driving source to the opening-closing mechanism and a non-energization state in which the clutch is unable to transmit the driving force of the driving source to the opening-closing mechanism. In addition, the language near the end of original Claim 1 has been reworded to recite that the drive portion and the driven portion contact each other by the second load which permits operation of the opening-closing mechanism to open and close the opening-closing member without the driving force of the driving source when the clutch is in the non-energization state. These changes to Claim 1 do not narrow the claim scope as they are merely intended to better set forth that which was originally recited in Claim 1.

Withdrawal of the claim rejection based on the second paragraph of 35 U.S.C. § 112 is respectfully requested.

The only other issue raised in the Official Action involves the anticipatory rejection of original Claims 1 and 2 based on the disclosure in U.S. Patent No. 5,896,703 to *Wright et al.* That rejection is respectfully traversed for at least the following reasons.

The subject matter recited in independent Claim 1 pertains to an opening-closing device used in connection with an opening-closing member provided at a vehicle body. The opening-closing device comprises a driving source, an opening-closing mechanism for opening and closing an opening-closing member provided at a vehicle body through operation of the driving source, and a clutch positioned between the driving source and the opening-closing mechanism. The clutch is shiftable between an energization state in which the clutch transmits a driving force of the driving source to the opening-closing mechanism and a non-energization state in which the clutch is unable to transmit the driving force of the driving source to the opening-closing mechanism. The clutch includes a drive portion and a driven portion, wherein the drive portion and the driven portion contact each other by a first load which is able to transmit the driving force from the driving source to the opening-closing mechanism when the clutch is in the energization state, and wherein the drive portion and the driven portion contact each other by a second load which permits operation of the opening-closing mechanism to open and close the opening-closing member without the driving force of the driving source when the clutch is in the non-energization state.

It is understood from the Official Action that *Wright et al.* is interpreted as disclosing an opening-closing device having all of the features recited in original

Claims 1 and 2, including a spring 50 and/or 88 interpreted as corresponding to the claimed elastic member originally recited in Claim 2.

To more clearly highlight one of the differences between the opening-closing device at issue here relative to the disclosure in *Wright et al.*, Claim 1 has been amended to recite that the drive portion is pushed to contact the driven portion by the elastic member when the clutch is in the non-energization state. As discussed in paragraph [0025] of the present application, by virtue of the elastic member pushing the drive portion to contact the driven portion, it is possible to reduce or avoid noise generated by oscillation of the vehicle.

In the device disclosed in *Wright et al.*, the spring 50 is positioned between the friction plate 52 and the tubular members 38, 40 as described in lines 36-38 of column 3 and as illustrated in Fig. 5. *Wright et al.* points out in the discussion in lines 48-51 of column 3 that the spring 50 disengages the friction plate 52 from the tubular members 38, 40 when current to the electrical contact rings 42, 44 is discontinued (i.e., during the non-energization state). Thus, the spring 50 disclosed in *Wright et al.* does not correspond to the claimed elastic member recited in Claim 1 because the spring 50 does not push the elements 28 or 58 into contact with the elements 76, 62 and/or 60.

In addition, the discussion beginning in line 36 of column 4 of *Wright et al.* points out that the coil spring 88 includes an inner end 90 that is received in a slot 92 of a fixed shaft 62, and an outer end 94 that engages a recess 96 in the inside of the cable drum 68. The coil spring 88 is specifically intended to maintain tension on the cable 84. Thus, the spring 88 also cannot correspond to the claimed elastic member

recited in Claim 1 because the spring 88 does not push a drive portion into contact with a driven portion during the non-energization state of the clutch.

For at least the foregoing reasons, it is respectfully submitted that the opening-closing device recited in independent Claim 1 is patentably distinguishable over the disclosure in *Wright et al.*

Amended dependent Claim 2 and new dependent Claims 3-6 define additional aspects associated with the opening-closing device at issue here. These claims are allowable at least by virtue of their dependence from allowable independent claims. These dependent claims also define further distinguishing characteristics associated with the opening-closing device.

New independent Claim 7 defines that the opening-closing device comprises a driving source, an opening-closing mechanism for opening and closing an opening-closing member provided at a vehicle operation, and a clutch positioned between the driving source and the opening-closing mechanism. The clutch is shiftable between an energization state in which the clutch transmits a driving force of the driving source to the opening-closing mechanism to open and close the opening-closing member under the driving force of the driving source and a non-energization state in which the clutch does not transmit the driving force of the driving source to the opening-closing mechanism to permit the open-close member to be manually opened and closed. The clutch comprises a drive portion connected to the driving source, a driven portion connected to the opening-closing mechanism, and an elastic member. The drive portion and the driven portion are urged into contact with one another with a first load during the energization state of the clutch to transmit the driving force of the driving source to the opening-closing mechanism through the

drive portion and the driven portion to open and close the open-close member under the driving force of the driving source. In addition, the elastic member is positioned to apply an axial force pushing the drive portion and the driven portion into contact with one another under a second load in which the driven portion and the drive portion are relatively slidable during the non-energization state of the clutch to permit the open-close member to be manually opened and closed.

New independent Claim 7 is patentably distinguishable over the disclosure in *Wright et al.* at least because *Wright et al.* does not disclose an elastic member positioned to apply an axial force pushing a drive portion and a driven portion into contact with one another under a second load in which the driven portion and the drive portion are relatively slidable during the non-energization state of the clutch to permit the open-closed member to be manually opened and closed.

New dependent Claims 8-12 depend from allowable independent Claim 7 and are allowable at least by virtue of such dependence from an allowable independent claim.

Early and favorable action with respect to this application is respectfully requested.


Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL PC

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By: 
Matthew L. Schneider
Registration No. 32,814

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620